

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Bail Appl.No. 7369 of 2006()

CC.905/2005 of J.M.F.C.,PARAPPANANGADI
Crime No.291/2000 of Tirurangadi Police Station
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PETITIONER/5TH ACCUSED

ALAVIKUTTY @ CHERRETH, S/O. KUNHIKOYA
KUTTY, VALIYODATH HOUSE, VELUMUKKU AMSOM,
TIRURANGADI, MALAPPURAM.

BY ADV. SRI.R.RAMADAS

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.
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B.A.No.7369 of 2006
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Dated this the 13th day of December, 2006.

ORDER

Petitioner, who is the fifth accused in Crime No.291 of 2000 of Tirurangadi Police Station for offences punishable under Sections 143, 147, 448, 506(1) and 427 read with Section 149 I.P.C., seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the accused in C.C.No.1350 of 2000 before the J.F.C.M., Parappanangadi, the case against the petitioner was split up and refiled as C.C.No.905 of 2005.

3. Non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the J.F.C.M., Parappanangadi and seek regular bail. Accordingly, if the petitioner surrenders before the said court and files an application for

regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the other accused in the case has been acquitted.

With this direction, this petition is dismissed.

V.Ramkumar,
Judge.

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